

REMARKS

Claims 1-28 are pending after entry of this paper. Claims 1-26 have been subjected to a restriction requirement.

Claims 1, 5-6, 8, 11-15, and 17-26 have been amended. Claim 27 and 28 have been newly added, and incorporate subject matter cancelled by the amendment to claim 1 and claim 13, respectively. Support for these amendments may be found throughout the instant specification and the claims as originally filed, for instance at page 12, lines 27-29. No new matter has been introduced by these amendments.

Reconsideration and withdrawal of the restriction requirement in view of the above claim amendments and below remarks are respectfully requested.

Examiner's Restriction Requirement and Provisional Election

The Examiner has required restriction of claims 1-26 under 35 U.S.C. §§ 121 and 372. The Examiner has outlined two groups which allegedly fail to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner has outlined the following groups:

- Group I (claims 1-16) drawn to a process for producing metal oxide from metal compounds.
- Group II (claims 17-26) drawn to a plant for producing metal oxide from metal compounds.

Applicants provisionally elect to prosecute Group I encompassing claims 1-16 (and presumably new claims 27-28). Applicants make this election with traverse, for the reasons set forth below.

Traversal of the Restriction Requirement

The Examiner contends that Groups I and II do not relate to a single general inventive concept because they allegedly lack the same or corresponding special technical features. Specifically, the Examiner contends that a review of International Application Publication No. WO2001/044719 (“Ahonen”) and U.S. Patent No. 6,015,539 (“Schmidt et al.”) “makes clear that the claimed invention is not novel over the prior art” (page 2 of the Office Action). Applicants respectfully disagree with the contention that the claimed invention is not novel over the prior art for the reasons set forth below.

Ahonen is directed to a fluidized bed boiler for the combustion of material (page 1, lines 1-2). With reference to Figure 1, Ahonen teaches that “secondary air is conveyed into the boiler along a duct which is essentially central with respect to the cross section (5) of the boiler and the secondary air thus introduced is blown via nozzles (6) at the end of the duct towards the walls of the boiler” (abstract). It is clear from both Figures 1 and 2 of Ahonen that the upper orifice of the duct is blocked by a hood. Furthermore, regarding the duct and the secondary gas, Ahonen teaches (page 5, lines 14-16, emphasis added):

The upper end of the pipe-like secondary air-feed device 5 contains suitable nozzles 6, via which secondary air is blown into the interior of the boiler approximately horizontally or directed slightly downward.

In contrast to Ahonen, claims 1 and 17 as amended require that the solids are entrained by gas flowing through the supply tube when passing through the upper orifice region of the gas supply tube. As described in the instant specification (page 2, lines 29-33):

When passing through the upper region of the central tube , the first gas or gas mixture entrains solid from the annular stationary fluidized bed...into the mixing chamber, so that due to the high speed differences between the solids and the first gas an intensively mixed suspension is formed and optimum mass and heat transfer between the two phases is achieved.

As described above, Ahonen does not teach solid entrainment as recited in instant claims 1 and 17. Indeed, Ahonen teaches away from such a solid entrainment because the duct of Ahonen is closed off by a hood, forcing the gas “approximately horizontally or directed slightly downward.” Accordingly, in view of the fact that Ahonen does not disclose at least the above-mentioned element common to claims 1 and 17 as amended, applicants respectfully assert that the invention as claimed is novel over Ahonen.

Schmidt et al. is described in the instant specification at page 1, lines 13-23, in the form of it's European counterpart EP 0 861 208 B1. Schmidt et al. is directed to a process for preparing anhydrous alumina from aluminum hydroxide using a circulating fluidized bed (abstract). Schmidt et al. discloses neither a stationary annular fluidized bed nor a gas supply tube at least partly surrounded by the annular fluidized bed, as recited in instant claims 1 and 17. It follows that there can be no solid entrainment in the disclosure of Schmidt et al., as required by instant claims 1. Accordingly, in view of the clear differences between the instant claims and the disclosure of Schmidt et al., applicants respectfully assert that the invention as claimed is novel over Schmidt et al.

In view of the above amendments and remarks, applicants respectfully submit that at least one claimed special technical feature common to instant claims 1 and 17, namely that the solids are entrained by gas flowing through the supply tube when passing through the upper orifice region of the gas supply tube, is novel over Ahonen and Schmidt et al. Applicants therefore request withdrawal of the restriction requirement under 35 U.S.C. §§ 121 and 372 for lack of unity of invention.

Dependent Claims

Applicants have not independently addressed all of the dependent claims. The applicants submit that for at least similar reasons as to why independent claims 1 and 17 from which all of the dependent claims 2-16 and 18-28 depend are believed to be novel over the art of record as discussed *supra*, the dependent claims are also novel.

CONCLUSION

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and withdrawal of the election requirement of claims and allowance of this application. Applicants respectfully request favorable consideration and early allowance of the instantly pending claims.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4791-4012.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4791-4012.

Respectfully submitted,
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Dated: May 16, 2008

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